



Committee of the Whole

Nicole Gorle

Council Initiated:

☐ Yes

☒ No

ECAF: 2025-1133

Motion: 25-183

Type:

☒ Contract

☐ Board Appt.

☐ Code Amendment

☐ Budget Action

☐ Other

Requested Handling:

☐ Normal

☒ Expedite - 4.30.25

☐ Urgent

Fund Source:

☒ General Fund

☐ Other

☐ N/A

Executive Rec:

☒ Approve

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ Yes

☐ No

☐ N/A

Subject: Indigent Defense Contracts – Conflict Pannel

Scope: Approve an agreement with Margaret McGinty to provide indigent defense services when there is a conflict with the County's primary contractor, the Snohomish County Public Defender's Association. The most notable change from prior year contracts is found in Schedule B, Compensation which increases the per hour rate for Superior and District Court miscellaneous proceedings; miscellaneous criminal proceedings; RALJ; and child representation in dependency proceedings. Additionally, this contract includes all indigent defense services under one contract instead of multiple contracts with the same attorney for different types of cases.

ECAF	Motion	Provider	Initial or Renewal
2025-1133	25-183	Margaret McGinty	Initial

Duration: January 1, 2025 through December 31, 2026

Option to extend for two (2) additional one (1) year extensions

Fiscal Impact: ☐ Current Year ☒ Multi-Year ☐ N/A

The total amount appropriated in the 2025-2026 budget across the DAC's listed in the ECAF is \$5.6M (conflict panel plus child dependency and a superior court DAC). For conflict/indigent defense contracts over the 2025-2026 contract period:

- **Previously Approved:** Thirty seven (37) contracts for \$350k annually/each (approved in [December](#) and January)
 - o Contract Authority Granted: Net \$25.9
- **Before you Now:** One (1) for \$350k annually/each
 - o Contract Authority Granted: Net \$700,000

The net total of approved contract expenditure authority for these DAC's under all 38 contracts is \$26.6M.

Expenditures	Current Year	2026	2027	2028	2029	Total
Various Conflict DAC's – Fund 002	\$350,000	\$350,000				\$700,000
Total's	\$350,000	\$350,000	0	0	0	\$700,000

Revenue	Current Year	2026	2027	2028	2029	Total
Total's	0	0	0	0	0	0

Authority Granted: All twenty motions provide the Executive the following authority:

- Execute the contracts; and
- Execute any amendments.

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Background: The [Sixth Amendment](#) of the United States Constitution states that the accused has the right to the assistance of counsel for their defense in criminal prosecutions. As not every defendant can afford an attorney, in 1989 Washington State implemented [Chapter 409 \(RCW 10.101\)](#) stating that “legal representation should be provided for indigent persons and persons who are indigent and able to contribute.” This chapter also requires counties and cities to establish standards for the delivery of defense services to indigent defendants.

Since the enactment of [RCW 10.101](#), the County has contracted with outside attorneys for legal services to indigent defendants through the courts¹, and then in 2000 under the Office of Public Defense upon its creation². Today, the largest contract is with the Snohomish County Public Defender Association (PDA), who is the main provider of legal services to indigent defendants in the County. When PDA has a conflict of interest in a case, the case is deferred to one of the County’s other contracts that specifically picks up cases where there is a conflict of interest between the defendant and the PDA.

Requested Action: For Council to consider taking action.

¹ Motion: 90-132; ECAF #: n/a; Leg. Title: Relating to “Conflicts Contracts” for Indigent Legal Services in Criminal Cases

² Ordinance: 00-072; ECAF #: 20001559; ECAF Title: Establish an Office of Public Defense